

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

DANIEL MULLAN,

Defendant.

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FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 07 2020 ★

LONG ISLAND OFFICE

ORDER

Docket No. 17-CR-495 (ADS)

Upon the previous oral application of Nancy L. Bartling, appearing for the defendant, Daniel Mullan, and with the consent of Michael Maffei, Assistant U.S. Attorney, appearing for the United States of America, and for good cause shown,

IT IS HEREBY ORDERED, pursuant to Title 18, U.S.C., § 4241(b), that N.G. Berrill, Ph.D, conduct a full competency examination of the defendant DANIEL MULLAN at the Gold Crest Care Center, located at 2316 Bruner Avenue, Bronx, New York, within sixty (60) days of the issuance of this order, to determine whether the defendant is competent to stand trial or enter a plea of guilty in this case;

IT IS FURTHER ORDERED that said examination will be conducted pursuant to the time provisions set forth in Title 18, U.S.C., § 4247(b) and that, upon completion of said examination, the examiner will prepare and file with the court, with a copy to counsel for the defendant and for the Government, the written reports within (30) DAYS OF THE AFORESAID EXAMINATION, UNLESS LEAVE OF Court for an extension is sought, as described in Title 18, U.S.C., § 4247(c). Specifically, the report should include, among other requirements set forth in Title 18, U.S.C., § 4247(c), the

examiner's opinion as to whether the defendant is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

Dated: Central Islip, New York
May 7, 2020

SO ORDERED:

/s/Arthur D. Spatt

HONORABLE ARTHUR D. SPATT
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

MRM
F. #2017R01349

*610 Federal Plaza
Central Islip, New York 11722*

May 5, 2020

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 05 2020 ★

By ECF and Email

LONG ISLAND OFFICE

The Honorable Arthur D. Spatt
Senior United States District Judge
United States District Court
Eastern District of New York
1020 Federal Plaza
Central Islip, New York 11722

Re: United States v. Daniel Mullan
Criminal No. 17-495 (ADS)

Dear Judge Spatt:

On January 10, 2020, during a status conference in the above-captioned matter, the Court granted an application by the defendant's counsel, Nancy L. Bartling, with the consent of the government, for a competency examination of the defendant. Following that status conference, on January 13, 2020, the Court issued an order directing that a competency examination of the defendant be conducted, pursuant to 18 U.S.C. § 4241(b), within sixty (60) days of the Court's order. However, due to multiple factors, including the outbreak of the COVID-19 pandemic and the defendant's medical needs requiring his transfer from Kingsbrook Hospital to the Gold Crest Care Center in the Bronx, New York, the competency examination of the defendant could not be completed as ordered.

Since the time that the parties were made aware that the competency exam could not be completed under the usual circumstances, the parties have conferred with each other, and the government has conferred with the United States Bureau of Prisons and the United States Marshals Service. At this time, in light of the defendant's physical condition and the COVID-19 pandemic, the only feasible means by which to complete a competency examination pursuant to 18 U.S.C. § 4241(b) is for the government to retain a private mental health practitioner to conduct the examination, in person, at Gold Crest Care Center. This past week, the government has been in contact with N.G. Berrill, a psychologist licensed to practice in the state of New York and elsewhere. Dr. Berrill has indicated that he would be able to conduct the competency examination of the defendant. The parties are in agreement

that, with the Court's permission, Dr. Berrill should conduct the competency examination of the defendant.

Accordingly, the government respectfully requests that the Court issue an order directing that Dr. Berrill be allowed to complete a competency examination of the defendant, Daniel Mullan, at the Gold Crest Care Center. The government has enclosed a proposed order with this letter.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: /s/ Michael R. Maffei
Michael R. Maffei
Assistant U.S. Attorney
(631) 715-7890

Enclosure

Cc: Nancy L. Bartling, Esq. (via email and ECF w/o enclosure)
Clerk of the Court (ADS) (via ECF w/o enclosure)